APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,105	10/04/2000	Glenn Reid	004860.P2471	8214

7590   09/04/2003

Lisa Benado
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA   90025-1026

EXAMINER
CHUONG, TRUC T

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/680,105	REID, GLENN
		Examiner	Art Unit
		Truc T Chuong	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other:

U.S. Patent and Trademark Office

PTOL-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 6

DETAILED ACTION

1.   This communication is responsive to Amendment A, filed 06/20/03.

2.   Claims 1-84 are pending in this application. Claims 1, 11, 20, 28, 37, 42, 47, 52, 57, 61,

65, 69, 73, 76, 79, and 82 are independent claims. In Amendment A, claims 11, 20, 27-29, 32,

35, 39, 42, 43-47, 49, 52-55, 61, 69, 71, 76-77, 80, and 82-83 are amended. This action is made

final.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler et al.

(U.S. Patent No. 5,404,316).

As to claim 20, Klingler teaches a processing system for collecting a time based stream of

information to generate a presentation comprising:

(i) means for communicating with an information source having a time based

stream of information (col. 2 lines 51-65);

(ii) means for presenting capture information from the time based stream of

information on a portion of the display device (capture, col. 4 lines 59-62; selected clips

can be cut and pasted, col. 3 lines 45-49; Edit, col. 10 lines 24-43, and figs. 3-5, 6, and 8-9);

(iii) means for presenting process information for constructing the presentation on the display device (col. 4 lines 62-68, Edit, col. 10 lines 24-43); and

(iv) means for presenting at least one enabled control element (enable, col. 4 lines 59-67).

As to claim 21, Klingler teaches the system further including a means for capturing the time based stream of information from the information source (col. 5 lines 10-15 and figs. 3-5).

As to claim 22, Klingler teaches the system of claim 21, wherein the means for capturing is by executing an interrupt procedure (Edit, col. 10 lines 24-52).

As to claim 23, Klingler teaches the system of claim 22 wherein the interrupt procedure iterates at the same or substantially the same rate as the transfer rate of the time based stream of information from the information source because Klingler's system contains "Set Duration" (col. 10 line 64-68) to provide playback features with different speed (col. 11 lines 1-4).

As to claim 24, Klingler teaches the system of claim 20, wherein at least one of the enabled control elements is to edit the information (edit, col. 10 lines 24-52).

As to claim 25, Klingler teaches the system of claim 20, wherein at least one of the enabled control elements is to perform side operations (col. 3 lines 55-59).

As to claim 26, Klingler teaches the system of claim 20, further including a means for presenting an edit output on the same portion of the display for presenting the capture information (movie, col. 53-63).

As to claim 27, Klingler teaches the system of claim 20, wherein the presenting of capture information is automatic in response to the communicating with the information source (automatically created, col. 5 lines 46-63).

As to claims 1-6 and 9-10, these are method claims of system claims 10-27. Note the rejections of claims 20-27 above respectively.

As to claim 7, it is individually similar in scope to claim 5; therefore, rejected under similar rationale.

As to claims 11-19, these are system claims of method claims 1-7 and 9-10. Note the rejections of claims 1-7 and 9-10 above respectively.

As to claim 8, this is a method claim of system claim 17. Note the rejection of claim 17 above.

As to claims 28-33 and 35-36, these are program product claims of system claims 20-27. Note the rejections of claims 20-27 above respectively.

As to claim 34, it is a program product claim of system claim 23, and it is individually similar in scope to claim 23; therefore, rejected under similar rationale.

As to claim 37, this is a method claim of system claim 20. Note the rejection of claim 20 above.

As to claim 38, this is a method claim of system claim 27. Note the rejection of claim 27 above.

As to claim 39, Klingler teaches the method of claim 37, wherein the detecting is by receiving a signal from the information source through a capture port on the processing system,

and wherein the automatically presenting comprises opening a window on the display device

(process information and scene information, col. 3 lines 26-36 and figs. 3-4, 7, 9, and 10-11).

As to claims 40 and 41, these are method claims of system claims 21 and 23. Note the

rejections of claims 21 and 23 above.

As to claim 42, Klingler teaches a processing system for generating a presentation of a

time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of information (Editing

environment and Time line view, col. 2 lines 42-67, col. 3 lines 1-49, figs. 3-5);

B) a display device (figs. 3-4); and

C) a processor coupled to the capture port and to the display device, the processor

configured to:

i) detect an information source having a time based stream of information in

communication with the processing system (col. 3 lines 37-49 and figs. 8-10), and

ii) automatically present capture information from the time based stream of

information on a display in response to detecting (automatically created, col. 5 lines 46-

63).

As to claims 43-44, they are system claims of method claims 38-39. Note the rejections

of claims 38-39 above respectively.

As to claim 44, Klingler teaches the system of claim 42, wherein the detecting is by

receiving a signal from the information source through a capture port on the processing system,

and.

As to claim 45, it is individually similar in scope to claim 21; therefore, rejected under similar rationale.

As to claim 46, this is a system claim of method claim 41. Note the rejection of claim 41 above.

As to claims 47-51, these are system claims of method claims 37-41. Note the rejections of claims 37-41 respectively for capturing the time based stream of information from the information source.

As to claims 52-56, these are program product claims of system claims 47-51. Note the rejections of claims 47-51 above respectively.

As to claim 57, this is a method claim of system claim 42. Note the rejection of claim 42 above, and Klingler also teaches (C) presenting an edit output on the viewing portion of the display during an edit mode (figs. 9-11).

As to claims 58, this is a method claim of system claim 51. Note the rejection of claim 51 above.

As to claim 59, this is a method claim of program product claim 32. Note the rejection of claim 32 above.

As to claim 60, this is a method claim of system claim 25. Note the rejection of claim 25 above.

As to claim 61, this is a system claim to generate a presentation of a time based stream of information of system claim 42 combined with method claim 57. Note the rejections of claims 42 and 57 above.

As to claims 62-64, these are system claims of method claims 58-60. Note the rejections of claims 58-60 above respectively.

As to claims 65-68, these are system claims of method claims 57-60. Note the rejections of claims 57-60 above respectively.

As to claims 69-72, these are program product claims of system claims 65-68. Note the rejections of claims 65-68 above respectively.

As to claim 73, it is individually similar in scope to claim 57, and therefore rejected under similar rationale.

As to claim 74, it is a method claim of system claim 40. Note the rejection of claim 40 above.

As to claim 75, Klingler teaches the method of claim 73, wherein the editing window includes a toggle control, element to switch between capture and edit mode within the editing window (toggle, col. 17 lines 14-29 and figs. 9, 14, and 15).

As to claim 76, it is individually similar in scope to system claim 42, and therefore rejected under similar rationale.

As to claims 77-78, these are system claims of claims 74-75. Note the rejections of claims 74-75 above respectively.

As to claims 79-81, these are system claims of method claims 73-75. Note the rejections of claims 73-75 above respectively.

As to claims 82-84, these are program product claims of method claims 73-75. Note the rejections of claims 73-75 above respectively.

Response to Amendment

5.   Applicant's arguments filed 06/20/03 have been fully considered but they are not

persuasive.

Applicants argued the following:

Klingler does not disclose the limitation of "capture information" from the time

based stream of information.

The Examiner disagrees for the following reasons:

Klingler clearly teaches the limitation of "capture information" from the time

based stream of information as rejected in claim 20 above (capture, col. 4 lines 59-62;

selected clips can be cut and pasted, col. 3 lines 45-49; Edit, col. 10 lines 24-43, and figs.

3-5, 6, and 8-9).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong

08/28/03

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100